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DOLLAR TREE STORES, INC.

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16

17 KASSONDRA BAAS and KELLY LOFQUIST,  
18 individually and on behalf of all others  
similarly situated,

19 Plaintiffs,

20 v.

21 DOLLAR TREE STORES, INC.,

22 Defendant.  
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CASE NO. C 07-03108 JSW

**DECLARATION OF JUDE  
ANTHONY IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

**DATE:** April 4, 2008

**TIME:** 9:00 a.m.

**DEPT.:** Crtrm. 2, 17th Floor

**JUDGE:** Hon. Jeffrey S. White

**COMPLAINT FILED:** June 13, 2007

**TRIAL DATE:** No date set.

1 I, Jude Anthony, do hereby declare:

2 1. I have worked for Kauff, McClain & McGuire as a paralegal since  
3 August 2007. I have performed paralegal work for 16 years and hold a paralegal  
4 certificate. Throughout such 16 years, I have been involved in the organization and  
5 production of documents. I had shared responsibility for the provision of documents in  
6 this case as part of Defendant's initial disclosures, and am personally familiar with the  
7 documents so produced by Defendant, as well as with the bates-stamped numbers  
8 which we placed on such documents. I also had shared responsibility for the production  
9 of documents in Cruz and Hansen v. Dollar Tree Stores, Inc. (Case No. C 07 2050 SC  
10 pending in the United States District Court for the Northern District of California)<sup>1</sup>. I have  
11 personal knowledge of the information set forth in this declaration.

12 2. I have examined the audit trail reports that Defendant Dollar Tree  
13 produced as part of its Rule 26 initial disclosures in this case and in Cruz and Hansen v.  
14 Dollar Tree Stores, Inc. These documents have been provided to the law firm  
15 representing Plaintiffs in both the Cruz/Hansen case and the Baas/Lofquist case. In  
16 those cases, Defendant produced audit trail reports for seven different stores in the  
17 same district as the store where Plaintiffs Baas and Lofquist worked (which is Store 1868  
18 as can be seen on DTC04857 and DTC04787)<sup>2</sup> The data for the seven stores provided  
19 in Defendant's initial disclosures covered Stores 1561, 1868, 1878, 1990, 2168, 2262,  
20 and 2939.<sup>3</sup>

21 3. I have also examined the audit trail reports attached as Exhibit D to  
22 the Baas Declaration filed in support of Plaintiffs' Motion for Class Certification. Plaintiff  
23 has presented audit trail reports for six stores: 1868—the store where John Hansen was  
24 the Store Manager (Hansen's name appears in the "Changed by" column for such store);

25 <sup>1</sup> See, Exhibit B to the Berman Opposition Declaration.

26 <sup>2</sup> All references to Bates-stamped document numbers are to the pages of Exhibit D to  
27 the Baas Declaration in Support of Plaintiffs' Class Certification Motion.

28 <sup>3</sup> On March 7, 2008, our co-counsel, Beth Hirsch Berman, sent to Plaintiffs' counsel the  
data analyzed in the Resolution Economics report submitted with Defendant's  
opposition.

Store 2262 where Miguel Cruz was the store manager (See the "Changed by" column for such store); 1561, 1990, 2168, and 2939. Regarding Exhibit D to the Baas declaration and comparing the bates-stamped numbers on Exhibit D to Defendant's production, the stores reflected in Exhibit D are:

DTB0005 - DT0017	Store 1868
DTB0119 - DTB0120	Store 1561
DTB0022 - DTB0029	Store 1868
DTB0594 - DTB0595	Store 1990
DTB1176 - DTB1177	Store 2939
DTB1454 - DTB1500	Store 2168
DTB0862 - DTB0999	Store 2168
DTC03962 – DTC04448	Store 2262
DTC04553 – DTC5082	Store 1868
DTC05137 - DT05162	Store 1868 <sup>4</sup>

As can be seen from the above, the vast majority of the pages from Exhibit D are from Stores 1868 and 2262 (where the Plaintiffs who are also represented by the Fietz law firm, John Hansen and Miguel Cruz, were store managers). Of the 265 pages in Exhibit D, 2 are from Store 1561; 2 are from Store 1990, 27 are from Store 2168, and 2 are from Store 2939. The remaining 232 are from Stores 1868 and 2262.

4. I have also analyzed Exhibit C to the Baas Declaration by counting the number of different employees reflected in that exhibit and counting the names that appear in the "Manager" column on Exhibit C. There are 56 different employees; and 202 punch entries. Of those 202 entries, 100 are under the names of John or Rebecca Hansen<sup>5</sup>; 51 are under the name of Thonya Burger (a Store Manager at 2262 following


<sup>4</sup> The pages in Exhibit D fall within the above ranges; they are not continuous.

<sup>5</sup> John Hansen used his wife's number to make time edits. Hansen Dep. 567:12-20.

1 Cruz's time as the Manager; Compare DTC04122 and DTC04267); 17 are under the  
2 name of Lisa Murphy, an Assistant Store Manager at 1868 (see, DTB0023 for example);  
3 8 are under Cruz's name, 7 are under the name of Lori Cape, an Assistant Store  
4 Manager working at 2262 with Cruz (See, for example, DTC04149); 3 are under the  
5 name of Linda Bailey, 2 are under the name of Jo Lynch and 1 is under the name of  
6 Jorge Trejo, all working at Store 2262 (See DTC04426, DTC04406, DTC04457). The  
7 remaining 13 depict entries at the four other Stores (1501, 1990, 2168 and 2939).

8 I have read this declaration and do hereby declare under penalty of perjury  
9 that it is true and correct.

10 Executed in San Francisco, California on March 12, 2008.

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13 JUDE ANTHONY  
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